

Appl. No. 10/623,804
Amendment dated May 29, 2007
Reply to Office Action of March 26, 2007

COMMENTS AND RESPONSE

In view of the comments below, Applicant respectfully requests that the Examiner reconsider the present application including rejected claims, as amended, and withdraw the claim rejections.

Claim Rejections Under 35 USC § 102

The Examiner has rejected claims 13 and 20 under 35 U.S.C. § 102(b) as being allegedly anticipated by United States Patent No. 5,274,665 to Schilling ("Schilling").

Applicant respectfully traverses this rejection.

In an effort to expedite prosecution, and in no way acquiescing to this rejection, Applicant has amended claim 13 to incorporate the language of allowable claim 18. Applicant has also amended claim 20 to include a similar limitation. Each of these claims now recites that the first signals and the second signals each comprise a plurality of modulated pulses, and that each of the modulated pulses comprises a plurality of consecutive iterations of an oscillating signal. This should place each of these claims in condition for allowance.

Therefore, based on at least the reasons given above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 13 and 20 under 35 U.S.C. § 102(b) as being allegedly anticipated by Schilling.

Claim Rejections Under 35 USC § 103

The Examiner has rejected claims 14-17 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schilling.

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Claims 14-17 all ultimately depend from claim 13 and are allowable for at least the reasons given above for claim 13. What Schilling does not disclose, it likewise does not suggest. In particular, nothing in Schilling suggests that the recited first and second signals each comprise a plurality of modulated pulses, or that each of the modulated pulses comprises a plurality of consecutive iterations of an oscillating signal.

For at least the reasons given above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 14-17 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schilling.

Allowable Subject Matter

The Examiner has indicated that claims 1-12 are allowable. The Examiner has objected to claims 18 and 19 as being dependent upon a rejected based claim, but indicated that they would be allowable if rewritten to overcome the objections set forth in the pending office action, and rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 1-12, Applicant respectfully acknowledges the allowability of these claims.

Regarding claims 18 and 19, Applicant has canceled claim 18 and incorporated its limitations into claim 13. Applicant has also amended claim 19 to depend from claim 13 rather than claim 18.

This should place claims 13 and 19 in condition for allowance.

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Conclusion

Applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicant does not concede that the cited prior art shows any of the elements recited in the claims. However, Applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples Applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, Applicant has provided examples of why the claims described above are distinguishable over the cited prior art.

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In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Although it is not anticipated that any additional fees are due or payable, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-1147.

Respectfully Submitted,



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